

MINUTES

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

9/8/2006 4:30 pm

SUE BEITIA, CLERK

CASE NUMBER: CR 03-00494SOM
CR 03-00495SOM

CASE NAME: USA vs. (05) William Totten
USA vs. (01) William Totten

ATTYS FOR PLA: Chris Thomas

ATTYS FOR DEFT: 05 and 01 Daniel Pagliarini
Anne Shimokawa (USPO)

JUDGE: Susan Oki Mollway

REPORTER: Debra Chun

DATE: 9/8/2006

TIME: 9:45 - 11:05

COURT ACTION: EP:

CR 03-00494 - Continued Sentencing to Count 1 of the Indictment; Government's Motion for Downward Departure

CR 03-00495 - Continued Sentencing to Counts 1 and 9 of the Indictment; Government's Motion for Downward Departure -

Defendant (05) (01) William Totten present and in custody.

The Presentence Investigation Report and the USPO's recommendation are adopted by the Court, and placed under seal.

The Memorandum of Plea Agreement has been accepted by the Court.

Allocution by the Defendant.

Government's Motion for Downward Departure - SEALED hearing - Granted.

ADJUDGED:

Imprisonment: 123 Months as to each of Count 1 under CR 03-494 and Counts 1 and 9 under CR 03-495, to run concurrently.

Supervised Release: 5 Years as to each of Count 1 under CR 03-494 and Count 1 under CR 03-495, and 3 Years as to Count 9 under CR 03-495, to run concurrently.

Special Assessment: \$300.00 (\$100 as to each count).

CONDITIONS:

- ▶ That the defendant shall abide by the standard conditions of supervision.
- ▶ That the defendant not commit any crimes, federal, state, or local (mandatory condition).
- ▶ That the defendant not possess illegal controlled substances (mandatory condition)
- ▶ That the defendant shall cooperate in the collection of DNA as directed by the probation officer.
- ▶ That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of commencement of supervision and at least two drug tests thereafter but no more than 8 valid drug tests per month during the term of supervision, unless there is a positive drug test, in which event the maximum shall increase to up to one valid drug test per day.
- ▶ That the defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
- ▶ That the defendant shall participate in and comply with substance abuse treatment which includes drug and alcohol testing in a program approved by the Probation Office. The defendant is to refrain from the possession and/or use of alcohol while participating in substance abuse treatment.
- ▶ That the defendant execute all financial disclosure forms requested by the Probation Office and provide access to any requested financial information.
- ▶ That the defendant participate in a mental health program at the discretion and direction of the Probation Office.
- ▶ That the defendant shall submit his person, residence, place of employment, or vehicle to a search conducted by the U.S. Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other resident that

the premises may be subject to search pursuant to this condition.

JUDICIAL RECOMMENDATIONS: 1) FCI El Reno; 2) FCI Sheridan; 3) FCI Milan; 4) Vocational and Educational Programs; 5) 500 Hour Comprehensive Drug Treatment Program; 6) Mental Health Treatment.

Defendant advised of his right to appeal.

Government's Motion to Dismiss as to this defendant only the remaining counts of the Indictment: CR 03-00494 - Counts 2 and 12, and CR 03-495 - Counts 2 and 5 - Granted.

Defendant remanded to the custody of the USM.

Mittimus forthwith.

Submitted by: Toni Fujinaga, Courtroom Manager.